

House File 745 - Introduced

HOUSE FILE 745

BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 273)

A BILL FOR

1 An Act providing for an exemption from tort liability arising
2 from winter recreational activities on commercial property.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 675.1 Injuries arising from winter
2 recreational activities on commercial property — liability.

3 1. A person that owns or controls commercial property shall
4 be liable only to the extent liability may be imposed by an
5 express statute dealing with such claims and, in the absence of
6 such express statute, a person that owns or controls commercial
7 property shall be immune from liability on any claim for injury
8 or damages based upon or arising out of claim of negligence
9 against such a person who can show that the injury or damages
10 occurred on the commercial property from sledding, tubing, or
11 other related winter recreational activity, that the claimed
12 injuries or damages resulted from the normal and expected risks
13 inherent in the recreational activity, and that the person
14 engaging in the recreational activity was voluntarily on the
15 commercial property where the injuries or damages occurred and
16 knew or reasonably should have known that the recreational
17 activity created a substantial risk of injuries.

18 2. This section does not exempt from liability a person that
19 promotes, advertises, recommends, or charges a fee for use of
20 the commercial property for sledding, tubing, or other related
21 winter recreational activity.

22	EXPLANATION
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23 The inclusion of this explanation does not constitute agreement with
24 the explanation's substance by the members of the general assembly.

25 This bill provides an exemption from tort liability arising
26 from winter recreational activities on commercial property.

27 The bill provides that a person who owns or controls
28 commercial property shall be immune from liability from any
29 claim for injury or damages based upon or arising out of claim
30 of negligence against such a person, if the person can show
31 that the injury or damages occurred from voluntary sledding,
32 tubing, or other related winter recreational activity on
33 commercial property, that the claimed injuries or damages
34 resulted from the normal and expected risks inherent in the
35 activity, and that the injured person knew or reasonably should

1 have known that the recreational activity created a substantial
2 risk of injuries.

3 A person who promotes, advertises, recommends, or charges
4 a fee for use of the property for sledding, tubing, or other
5 related winter recreational activity is not exempt from tort
6 liability under the bill.